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Attorneys for Defendant
THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a
STOP & SHOP
Our File No.: 23001-142

JOVANKA PEGUERO

Plaintiff,

vs.

STOP & SHOP, AND JOHN DOE I-III

Defendants.

From: Superior Court of New Jersey, Law
Division, Hudson County Vicinage,
Docket No.: HUD-L-3889-21

NOTICE OF REMOVAL

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367(a), 1441, 1446; and 42 U.S.C. § 1983, defendant, THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a STOP & SHOP, through the undersigned attorneys, hereby removes the above-captioned civil action, and all claims and causes of action therein, from the Superior Court of New Jersey, Law Division, Hudson County Vicinage, to the United States District Court for the District of New Jersey, Newark Vicinage.

JURISDICTION & AUTHORITY FOR REMOVAL

1. On October 5, 2021, plaintiff commenced this action by filing a Complaint in the Superior Court of New Jersey, Law Division, Hudson County (“the State Action”). The Complaint names THE STOP & SHOP SUPERMARKET COMPANY LLC i/s/h/a STOP & SHOP and JOHN DOE I-III as a defendant.

2. A copy of the Complaint in the State Action that was forwarded to our office is annexed hereto as **EXHIBIT A**.

3. The Federal District of New Jersey, Newark Vicinage, encompasses Hudson County (namely, the location of the accident, Jersey City, NJ).

4. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. §§ 1332 because there exists diversity of citizenship between the plaintiffs and defendants and, upon information and belief, the amount in controversy is claimed to exceed the sum of \$75,000.00 exclusive of interests and costs.

5. Under the provisions of 28 U.S.C. §1441, the right exists to remove this civil action from the Superior Court of the State New Jersey, Hudson County, to the United States District Court for the District of New Jersey, Newark Vicinage, which embraces the place where this action is pending. In her Complaint, Plaintiff JOVANKA PEGUERO, seeks judgment as a result of personal injuries allegedly sustained after an accident that allegedly occurred on October 11, 2019 at the Stop & Shop store located at 232 Central Avenue, Jersey City, NJ, County of Hudson, and State of New Jersey.

6. The complaint in this matter was received by THE STOP & SHOP SUPERMARKET COMPANY LLC on or about October 16, 2021. However, THE STOP & SHOP SUPERMARKET COMPANY LLC did not have enough information as to removal until receiving Plaintiff's Statement of Damages on May 27, 2022, which demanded \$250,000 total. As such, removal of this matter is timely pursuant to 28 U.S.C. §§ 1446(b)(3). This action involves a controversy between citizens of different States. The plaintiff is, and was at the commencement of the action, a citizen of New Jersey. The Stop & Shop Supermarket Company LLC, is a Foreign

Limited Liability Company, with its sole member being Ahold Delhaize U.S.A., Inc. Ahold Delhaize U.S.A., Inc. is a Delaware Corporation with its principal place of business at 1385 Hancock Street, Quincy, Massachusetts, 02169.

7. The citizenship of a limited liability company is determined by the citizenship of its members. *See Carden v. Arkoma Assocs.*, 494 U.S. 185, 110 S.Ct. 1015 (1990); *Quantlab Fin., LLC, Quantlab Tech. Ltd. (BVI) v Tower Research Capital, LLC*, 715 F. Supp 2d 542 (S.D.N.Y. 2010). In that regard, Ahold Delhaize U.S.A., Inc. is a Delaware Corporation with its principal place of business at 1365 Hancock Street, Quincy, Massachusetts, 02169.

8. This office filed an answer to Plaintiff's Complaint on behalf of THE STOP & SHOP SUPERMARKET COMPANY LLC on May 19, 2022. See a copy of same annexed hereto as **EXHIBIT B**.

9. After our answer was filed, Plaintiff's attorney served this office on May 27, 2022 with a statement of damages, seeking damages in the amount of \$250,000. See a copy of same annexed hereto as **EXHIBIT C**.

10. Plaintiff filed an Affidavit of Service on October 21, 2021. See a copy of same annexed hereto as **EXHIBIT D**.

11. Plaintiff filed a request for default on December 29, 2021. See a copy of same annexed hereto as **EXHIBIT E**.

12. Plaintiff filed a Designation of Trial Attorney on January 27, 2022. See a copy of same annexed hereto as **EXHIBIT F**.

13. On May 18, 2021, the parties entered into a Consent Order Vacating Default, which was granted on May 20, 2022. See a copy of same annexed hereto as **EXHIBIT G**.

14. No other process, pleadings, or orders have been served on THE STOP & SHOP

SUPERMARKET COMPANY LLC in the State Action.

15. Upon information and belief, Plaintiff's amount in controversy exceeds the \$75,000.00 threshold. The Plaintiffs' Complaint does not specify the amount of damages because under the New Jersey Rules of Court, Rule 4:5-2, a plaintiff in a personal injury matter seeking unliquidated damages in the Superior Court, Law Division, is not permitted to assert the damages amount in the Complaint. The Complaint sets forth general allegations that Plaintiff Jovanka Peguero sustained severe personal injuries and Plaintiff was rendered, sick, sore, and disabled. As a result of the injuries, the plaintiff has asserted a statement of damages of \$250,000. Therefore, the District Court has jurisdiction over this action.

NOTICE TO PLAINTIFFS AND SUPERIOR COURT OF REMOVAL

16. The defendant, THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a STOP & SHOP, through its attorney, will promptly serve a copy of this Notice of Removal on counsel for the plaintiffs, and will promptly file a copy of this Notice of Removal with the Clerk of the Superior Court, Law Division, Hudson County Vicinage pursuant to 28 U.S.C. § 1446(d).

CULLEN AND DYKMAN LLP

By: /s/ Jeffrey F. Hall-Gale, Esq.
JEFFREY F. HALL-GALE, ESQ.

Dated: June 24, 2022